

RESOLUTION NO. 6070

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Wal-mart Real Estate Business Trust

Purpose

A variable width sidewalk easement on the west side of Goldfish Farm Road as part of the Wal-mart development project.

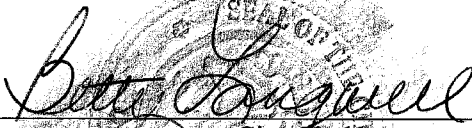
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 11TH DAY OF JANUARY 2012.




Mayor

ATTEST:



City Clerk



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2012-01076
E-EAS
Cnt=1 Str=7 S. WILSON 01/27/2012 02:36:17 PM
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 \$75.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

No change

1. Name/Title of Transaction - by ORS 205.234 (a)
EASEMENT FOR PUBLIC SIDEWALK

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Wal-Mart Real Estate Business Trust, PO Box 8050, Bentonville, AR, 72712

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

Res. No. 6070

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 11th day of January, ~~2011~~ ²⁰¹², by and between Wal-Mart Real Estate Business Trust, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to construct, maintain, and repair a public sidewalk for the purpose of providing pedestrian access and sidewalks over, across, and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sidewalk and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sidewalk.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A variable width sidewalk easement on the west side of Goldfish Farm Road as part of the Wal-mart development project.

See legal description on attached Exhibit A and maps on attached Exhibits A.1 and B.

2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

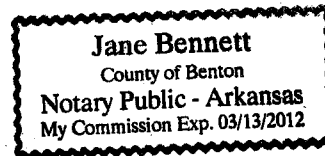
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR: Wal-Mart Real Estate Business Trust

STATE OF Arkansas
County of Benton) ss.
City of Bentonville)

The foregoing instrument was acknowledged before me this 21st day of December, 2011, by Frank J. Sampson (Title) Director of Design on behalf of Wal-Mart Real Estate Business Trust as his/her voluntary act and deed.

Jane Bennett
Notary Public for Arkansas
My Commission Expires: 3-13-2012

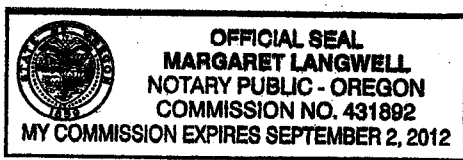


CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6070, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of January 2011-2012

Wes Hare
City Manager



ATTEST:
Margaret Langwell
City Clerk

EXHIBIT 'A'

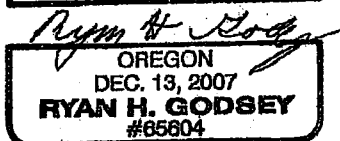
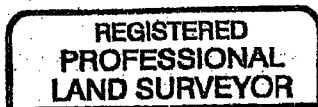
A PORTION OF PARCEL 1, PARTITION PLAT NO. 2010-19, LOCATED WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, AS SHOWN ON THE ATTACHED EXHIBIT 'A.1', BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING IN THE NORTHEAST CORNER OF SAID PARCEL 1, AT THE SOUTHERLY ANGLE POINT ON THE WEST RIGHT-OF WAY LINE OF GOLDFISH FARM ROAD; THENCE SOUTH 01°47'15" EAST, 22.26 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°47'15" EAST, 63.93 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, 50.04 FEET ALONG A NON-TANGENT CURVE CONCAVE EASTERLY WITH A RADIUS OF 57.50 FEET THROUGH A CENTRAL ANGLE OF 49°51'49" (THE CHORD OF WHICH BEARS NORTH 05°16'08" WEST, 48.48 FEET) THE CENTER OF SAID CURVE BEARS NORTH 59°47'58" EAST; THENCE 15.91 FEET ALONG A 42.50 FOOT RADIUS REVERSE CURVE CONCAVE WESTERLY THROUGH A CENTRAL ANGLE OF 21°27'01" (THE CHORD OF WHICH BEARS NORTH 08°56'16" EAST, 15.82 FEET) TO THE POINT OF BEGINNING;

CONTAINING 261 SQUARE FEET +/-

BASIS OF BEARINGS IS THE SOUTH LINE OF PARTITION
PLAT NO. 2010-19, LINN COUNTY RECORDS

PREPARED BY CES/NW, INC.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Ryan H. Godsey

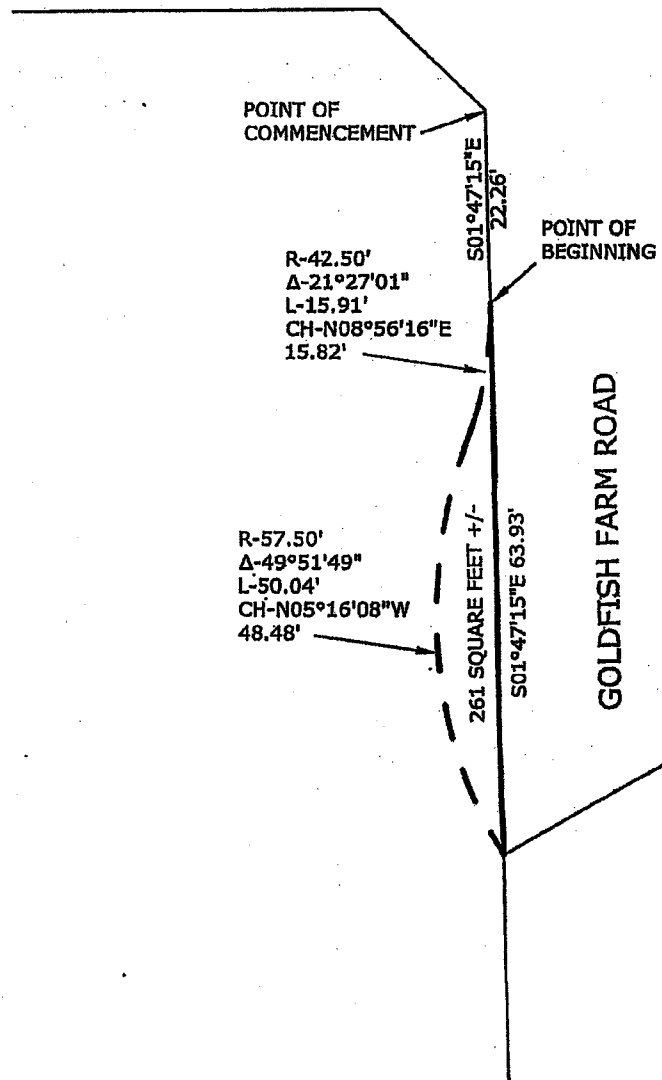
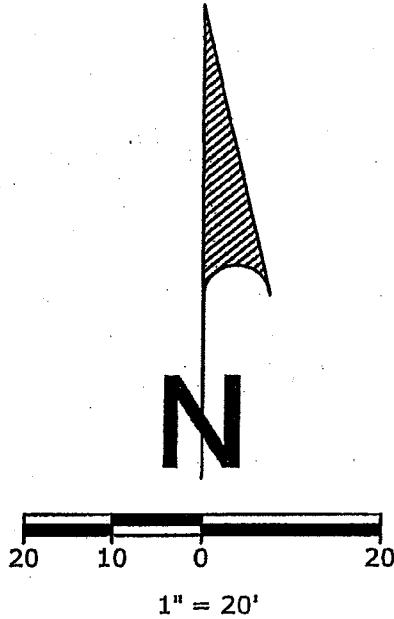
OREGON
DECEMBER 19, 2007
RYAN H. GODSEY
65604

RENEWAL DATE: 06/30/2013

EXHIBIT A.1

A PORTION OF PARCEL 1, PARTITION PLAT NO. 2010-19
LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 9,
TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
CITY OF ALBANY, LINN COUNTY, OREGON

MAPLE LEAF AVENUE.



CES | NW

13190 SW 68TH PKWY, STE 150
TIGARD, OREGON 97223
503.968.6655 WWW.CESNW.COM

A PORTION OF PARCEL 1, PARTITION PLAT NO. 2010-19

DATE
10-26-11

FIGURE
A.1

EXHIBIT B

11S03W09D 00203

A variable width sidewalk easement on the west side of Goldfish Farm Road as part of the Wal-Mart development project.



Geographic Information Services

